

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
JUL 30 2003

— 1 —

JAMES G. ABOUREZK,

CIV. #03-4146

**Plaintiff,**

vs.

**AFFIDAVIT OF  
MICHAEL T. MARINO**

**PROBUSH.COM, INC., a Pennsylvania corporation,**

**Defendant.**

Michael Marino, being first duly sworn upon his oath, deposes and states:

1.

That I am providing this Affidavit in my official capacity as the President of ProBush.com, Inc. (“ProBush.com”).

2

That I am a resident of Pennsylvania, where I live with my parents, Benjamin L. Marino and Chervle A. Marino.

3

That I am twenty years old.

4

That I graduated from high school in 2000.

5.

That I started "ProBush.com" on August 17, 2002.

6.

That I am not a resident of South Dakota; that I have never been to South Dakota; that I have never sold merchandise in South Dakota; that I own no property in the State of South Dakota; and that to my knowledge I have never had any telephone contact with anyone in South Dakota on my own behalf (with the exception of conversations with ProBush.com's attorneys related to this lawsuit).

7.

That I am an officer and shareholder in "ProBush.com."

8.

That I started "ProBush.com" because I could find no other pro-President Bush websites; because I disagreed with the protestors and celebrities who were voicing opposition to the war in Iraq; because I wanted to make sport of the critics' arguments; and because I thought President Bush deserved to be defended against such criticism.

9.

That I believe Plaintiff Senator Abourezk was added to "ProBush.com" in December 2002 or January 2003 given that he was a signatory to the famous "Not in Our Name" petition, which opposed the war.

10.

That attached to this Affidavit are true and correct copies of the opening page of "ProBush.com," as well as the "Patriot List" and the "Traitor List" appearing on the website.

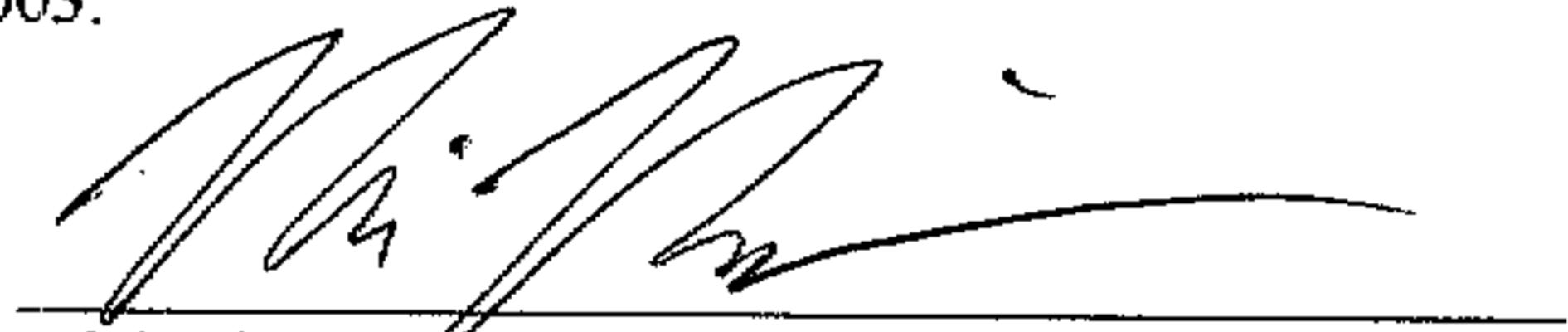
11.

That the parody disclaimer on "ProBush.com" was formerly at the bottom of the "Traitor List," but was moved to the top of the list in May 2003. The phrase "though we wish they were" was also previously included at the end of the disclaimer.

12.

Further your Affiant sayeth not.

Dated this 24 day of July, 2003.



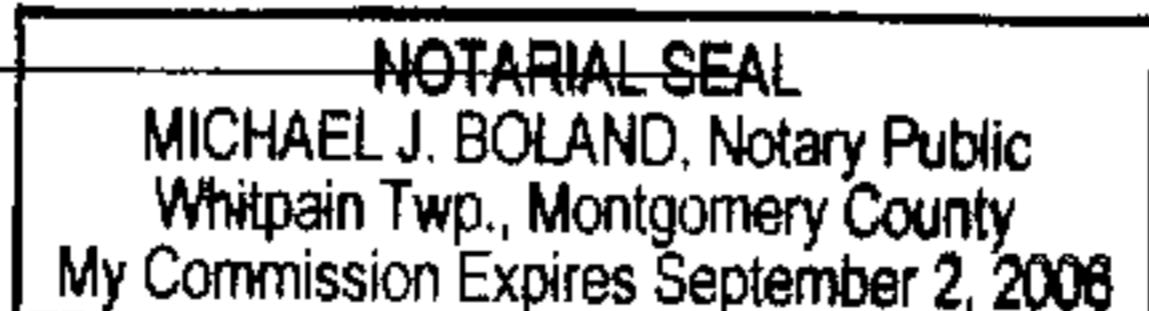
Michael T. Marino, President,  
ProBush.com, Inc.

Subscribed and sworn by me this 21 day of July, 2003.

Notary Public - State of Pennsylvania

My Commission expires:

(SEAL)



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of **Affidavit of Michael Marino** was on this day sent via first class mail, postage prepaid, to the following:

Todd D. Epp  
Of Counsel  
Abourezk Law Offices, P.C.  
P.O. Box 1164  
Sioux Falls, SD 57101-1164

*Attorneys for the Plaintiff*

Dated this 29<sup>th</sup> day of July, 2003.

Ronald A. Parsons  
Ronald A. Parsons, Jr.